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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT L. GOLDMAN;

Plaintiff,

v.

VIGILANT INSURANCE COMPANY, a New
York corporation and member of the CHUBB
GROUP OF INSURANCE COMPANIES;
DOES 1 through 100, inclusive; and ROE
CORPORATIONS I through 100, inclusive,

Defendants.

Case No.: 2:19-cv-2227-JAD-BNW

**STIPULATION & ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER DEADLINES
AND BRIEFING SCHEDULE ON
VIGILANT INSURANCE
COMPANY'S MOTION FOR
SUMMARY JUDGMENT**

(Third Request)

Pursuant to LR II 16-1, 26-1 (b), 26-3, and 26-4, and FRCP 16.1 and 26, PLAINTIFF ROBERT L. GOLDMAN ("Plaintiff") and DEFENDANT VIGILANT INSURANCE COMPANY ("Defendant") (collectively, the "Parties"), by and through their respective counsel, hereby stipulate and agree to extend the previously entered Discovery Plan and Scheduling Order deadlines. Notably, the parties have been cooperating well with one another and, since the initial Scheduling Order was entered, have: (a) exchanged Initial and Supplemental Disclosures; (b) exchanged discovery requests and responses; (c) attended additional site inspections; (d) conducted destructive testing at underlying property, including, without limitation, core drilling and core sampling; (e) completed manometer surveys; and the depositions of the following fact witnesses:

- (1) Robert Goldman (Plaintiff)
- (2) Stewart Goldman (Plaintiff's son)
- (3) Peter Bonfante (Plaintiff's Former Personal Counsel)
- (4) Tom Stafford (Plaintiff's Groundskeeper)
- (5) Willie Mack (Defendant's Former Adjuster)
- (6) Tommy Le (Defendant's Former Adjuster)
- (7) Mark Bertrand (Defendant's Witness)

In addition, Plaintiff has deposed the following expert witnesses identified by Vigilant Insurance Company:

- (8) Brian Mundo (Geologist)
- (9) Avram Ninyo (Civil / Geotechnical Engineer)
- (10) Adam Yala (Structural Engineer)
- (11) MarcGoupille (Cost of Repair Expert)

By agreement of counsel,¹ the depositions of Plaintiff's expert witnesses was deferred until after the parties' mediation with former U.S. Magistrate Judge Peggy Leen (held on August 31, 2021). The parties, having been unsuccessful in resolving this matter, hereby agree to the following deposition dates for the remaining expert witnesses in this matter:

Frank McCort	(Plaintiff's Plumbing Expert)	October 4, 2021
Rob Wales	(Plaintiff's Repair Contractor)	October 6, 2021
Joe Valancius	(Plaintiff's Structural Engineer for the Barn / Stable Claim)	November 2, 2021
Marc Goupille	(Defendant's Cost Estimator)	November 5, 2021
Bob Thomsen	(Plaintiff's Geotechnical Engineer)	November 10, 2021
Duke Phelps	(Plaintiff's General Contracting Expert)	November 12, 2021

¹ This agreement was necessitated, in part, based upon Plaintiff counsel's absence from the office for an extended period of time this summer due to medical testing and procedures needed by his wife, many of which were out of State.

1	Larry Nelson	(Plaintiff's Structural Engineer)	November 17, 2021
2	Ed McKinnon	(Defendant's Claim's Handling	November 18, 2021
3		Expert)	
4	Jeff Stempel	(Plaintiff's Claim's Handling	November 24, 2021
5		Expert)	

6 Consequently, because the parties' experts are completing necessary fact and expert
 7 evidence and testimony, good cause exists for extending the existing deadlines by an additional
 8 one-hundred twenty (134) days as follows:

9 A. Discovery Cut-Off Date:

10 Existing Deadline: July 16, 2021

11 New Deadline: **November 30, 2021**

12 B. Amending Pleadings and Adding Parties:

13 No changes.

14 C. FRCP 26(a)(2) Disclosure (Experts):

15 No Changes.

16 D. Interim Status Report:

17 No Changes.

18 E. Mediation

19 Completed

20 F. Dispositive Motions

21 No Changes.

22 G. Pretrial Order:

23 Existing Deadline: September 10, 2021

24 New Deadline: **December 17, 2021**

25
 26
 27 Additionally, given Vigilant Insurance Company's recent filing of a Motion for Summary
 28 Judgment on August 30, 2021 (ECF No. 33), the parties hereby stipulate and agree that Plaintiff

shall have through and including **October 8, 2021** with which to file its Opposition brief. The parties further agree that, in accordance with Fed.R.Civ.P. 56(d), should the depositions of Plaintiff's expert witnesses yield information which Plaintiff believes is necessary to Supplement this Response to Defendant's Motion for Summary Judgment, then Plaintiff shall be permitted the opportunity to file a Supplemental Response addressing this additional information and Defendant permitted to file a Surreply addressing the supplemental information in advance of the Court's hearing or ruling upon same.

DATED this 20th day of September, 2021.

MARQUIZ LAW OFFICE, P.C.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Craig A. Marquiz

By: /s/ Cheryl A. Grames

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ROBERT W. FREEMAN

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PAMELA L. McGAHA

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CHERYL A. GRAMES

Attorney for Plaintiff

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Attorneys for Defendant

Order

IT IS ORDERED that ECF No. 35 is DENIED without prejudice for failure to comply with the Local Rules. For each request for relief, the parties must file a separate stipulation (e.g., one to extend the discovery deadlines and one to extend the briefing deadlines on the motion for summary judgment). Additionally, the parties must comply with LR IA 6-1.

BROENING OBERG WOODS & WILSON P.C.

By: /s/ Jason P. Kasting

ROBERT T. SULLIVAN

JASON P. KASTING

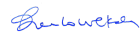
2800 North Central Avenue, Suite 1600

Phoenix, AZ 85004

Attorneys for Defendant

IT IS SO ORDERED

DATED: 9:57 am, September 21, 2021



BRENDA WECKLER
UNITED STATES MAGISTRATE JUDGE